

Brian D. Glueckstein (admitted *pro hac vice*)
New York Bar No. 4227005
gluecksteinb@sullcrom.com
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, New York 10004
Telephone: (212) 558-4000
Facsimile: (212) 558-3588

Cortney C. Thomas
Texas Bar No. 24075153
cort@brownfoxlaw.com
BROWN FOX PLLC
8111 Preston Road, Suite 300
Dallas, Texas 75225
Telephone: (214) 327-5000
Facsimile: (214) 327-5001

*Counsel for Mark Okada and
Affiliated Parties*

| | | |
|---|---|----------------------------|
| ----- | X | |
| | : | |
| In re: | : | Chapter 11 |
| | : | |
| HIGHLAND CAPITAL MANAGEMENT, L.P., ¹ | : | Case No. 19-34054-sgj11 |
| | : | |
| Reorganized Debtor. | : | |
| | : | |
| ----- | X | |
| | : | |
| MARC S. KIRSCHNER, AS LITIGATION | : | |
| TRUSTEE OF THE LITIGATION SUB-TRUST, | : | |
| | : | |
| Plaintiff, | : | |
| | : | Adv. Pro. No. 21-03076-sgj |
| | : | |
| v. | : | Civ. Act. #3:22-CV-00229-C |
| | : | |
| JAMES D. DONDERO; MARK A. OKADA; SCOTT | : | |
| ELLINGTON; ISAAC LEVENTON; GRANT | : | |
| JAMES SCOTT III; FRANK WATERHOUSE; | : | |
| STRAND ADVISORS, INC.; NEXPOINT | : | |
| ADVISORS, L.P.; HIGHLAND CAPITAL | : | |
| MANAGEMENT FUND ADVISORS, L.P.; | : | |
| DUGABOY INVESTMENT TRUST AND NANCY | : | |

¹ The Reorganized Debtor's last four digits of its taxpayer identification number are (8357). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

DONDERO, AS TRUSTEE OF DUGABOY
INVESTMENT TRUST; GET GOOD TRUST AND
GRANT JAMES SCOTT III, AS TRUSTEE OF GET
GOOD TRUST; HUNTER MOUNTAIN
INVESTMENT TRUST; MARK & PAMELA
OKADA FAMILY TRUST – EXEMPT TRUST #1
AND LAWRENCE TONOMURA AS TRUSTEE OF
MARK & PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #1; MARK & PAMELA OKADA
FAMILY TRUST–EXEMPT TRUST#2 AND
LAWRENCE TONOMURA IN HIS CAPACITY AS
TRUSTEE OF MARK & PAMELA OKADA
FAMILY TRUST–EXEMPT TRUST #2; CLO
HOLDCO, LTD.; CHARITABLE DAF HOLDCO,
LTD.; CHARITABLE DAF FUND, LP.; HIGHLAND
DALLAS FOUNDATION; RAND PE FUND I, LP,
SERIES 1; MASSAND CAPITAL, LLC; MASSAND
CAPITAL, INC.; SAS ASSET RECOVERY, LTD.;
AND CPCM, LLC,

Defendants.

-----X

**THE OKADA PARTIES’ WITNESS AND EXHIBIT LIST
FOR STATUS CONFERENCE SCHEDULED FOR
MARCH 17, 2022 AT 1:30 P.M. (CENTRAL TIME)**

Mark K. Okada, MPO Trust 1 and Lawrence Tonomura in his Capacity as Trustee,
MPO Trust 2 and Lawrence Tonomura in his Capacity as Trustee (collectively, the “Okada
Parties”) hereby submit this Witness and Exhibit List for the status conference scheduled on
Thursday, March 17, 2022 at 1:30 p.m. (the “Status Conference”) on the following matters:

1. *The Motion to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against the Former Employee Defendants* [Adv. Proc. Dkt. 27], the *Brief in Support of Motion to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against the Former Employee Defendants* [Adv. Proc. Dkt. 28], and *The Former Employee Defendants’ Reply in Support of the Motion to Withdraw the Reference* [Adv. Proc. Dkt. 108].
2. *The Motion of the Okada Parties to Withdraw the Reference* [Adv. Proc. Dkt. 36], the *Memorandum of Law in Support of the Okada Parties’ Motion to Withdraw the Reference* [Adv. Proc. Dkt. 37], and the *Reply in Support of the Okada Parties’ Motion to Withdraw the Reference* [Adv. Proc. Dkt. 105].

3. *The Motion to Withdraw the Reference for the Causes of Action in the Complaint Asserted Against Defendants* [Adv. Proc. Dkt. 39], *the Memorandum in Support of Defendants NexPoint Advisors, L.P. and Highland Capital Management Fund Advisors, L.P.'s Jury Demand and Motion to Withdraw the Reference* [Adv. Proc. Dkt. 40], and *the Reply in Support of Motion to Withdraw the Reference* [Adv. Proc. Dkt. 103].
4. *Defendants James Dondero, Dugaboy Investment Trust, Get Good Trust, and Strand Advisors, Inc.'s Motion to Withdraw the Reference* [Adv. Proc. Dkt. 45], *Defendants James Dondero, Dugaboy Investment Trust, Get Good Trust, and Strand Advisors, Inc.'s Memorandum of Law in Support of Motion to Withdraw the Reference* [Adv. Proc. Dkt. 46], and *The Dondero Defendants' Reply in Support of the Motion to Withdraw the Reference* [Adv. Proc. Dkt. 106].
5. *Defendant Grant James Scott's Motion to Withdraw Reference* [Adv. Proc. Dkt. 50], and *Defendant Grant James Scott's Brief in Support of Motion to Withdraw Reference* [Adv. Proc. Dkt. 51].
6. *Motion to Withdraw the Reference* [Adv. Proc. Dkt. 59], and *Reply in Support of Motion to Withdraw the Reference* [Adv. Proc. Dkt. 104] filed by CLO Holdco, Ltd., Charitable DAF Holdco, Ltd., Charitable DAF Fund, L.P., and Highland Dallas Foundation.
7. *The Litigation Trustee's Response in Opposition to Defendants' Motions to Withdraw the Reference* [Adv. Proc. Dkt. 95].

The Okada Parties' Witness List

The Okada Parties may call the following persons to testify as witnesses at the Status Conference:

1. Any witness called by any other party; and
2. Rebuttal witnesses as necessary.

The Okada Parties reserve the right to cross-examine any witness called by any other party.

The Okada Parties' Exhibit List

1. Any exhibits designed by any other party, specifically including the exhibits listed in *The Former Employee Defendants' Witness and Exhibit List for Status Conference Scheduled for March 17, 2022 at 1:30 p.m. (Central Time)* [Adv. Proc. Dkt. 109].
2. Any exhibits necessary as rebuttal evidence.

The Okada Parties reserve the right to amend or supplement this Witness and Exhibit List as necessary in advance of the Status Conference.

Dated: March 14, 2022
New York, New York

/s/ Brian D. Glueckstein
Brian D. Glueckstein (admitted *pro hac vice*)
New York Bar No. 4227005
gluecksteinb@sullcrom.com
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, New York 10004
Telephone: (212) 558-4000
Facsimile: (212) 558-3588

Cortney C. Thomas
Texas Bar No. 24075153
cort@brownfoxlaw.com
BROWN FOX PLLC
8111 Preston Road, Suite 300
Dallas, Texas 75225
Telephone: (214) 327-5000
Facsimile: (214) 327-5001

Counsel for Defendants Mark Okada, The Mark and Pamela Okada Family Trust – Exempt Trust #1 and Lawrence Tonomura as Trustee, and The Mark and Pamela Okada Family Trust – Exempt Trust #2 and Lawrence Tonomura as Trustee